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OFFICE OF PETITIONS

In re Application of :
LABERGE, STEPHEN P. :
Application Number: 10/604138 : ON PETITION
Filing Date: June 27, 2003 :
Title: SUBSTANCES THAT ENHANCE :
RECALL AND LUCIDITY DURING :
DREAMING :
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed July 2, 2008, to revive the above-identified application.

On June 27, 2003, petitioner filed the above-identified nonprovisional application, accompanied by the filing fee of \$375.00. The application included two independent claims in excess of three, which required the submission of an additional claims fee in the amount of \$84.00 ($\$42 \times 2 = \84). However, petitioner did not submit the independent claims in excess of three fee on filing the application.

On November 3, 2004, the Office mailed a Notice of Informality Regarding Payment of Fee, setting a period of one month to remit the claims fee in the amount of \$84.00. In response, on December 6, 2004, petitioner submitted a check for the requisite excess claims fee in the amount of \$84.00.

On February 27, 2007, the Office mailed a Notice of Abandonment, indicating that the application had become abandoned for failure to file a timely and proper reply to the Notice of Informality Regarding Payment of Fee of November 3, 2004.

On January 28, 2008, petitioner filed a petition to withdraw the holding of abandonment, which was dismissed by the decision of May 1, 2008. In the decision, the Office indicated that it timely received petitioner's check in the amount of \$84.00 for the

independent claims in excess of three fee on December 6, 2007, but that the USPTO fees had increased prior to the payment. Thus, petitioner's payment on December 6, 2004, was insufficient.

On July 2, 2008, petitioner filed the present petition under 37 CFR 1.137(b) accompanied by the balance due for the independent claims in excess of three.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner paid the petition fee, made a proper statement of unintentional delay, and submitted the required reply,

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3211.

Christina Tartera Donnell
Christina Tartera Donnell
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